

Respondent:

**Sposato Landscape Co. Inc.
16181 Hudson Road
Milton DE 19968**

Violations:

§1224(a)(1) – Use or Application Inconsistent with the Labeling

Penalty:

Respondent signed a consent agreement on September 12 2018. In the agreement, Respondent agrees to the imposition of disciplinary sanctions which included a civil penalty of \$1800.00.

STIPULATED FACTS

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1. Sposato Landscape Co. Inc. (“Respondent”) is a commercial pesticide applicator business with an office located at 16181 Hudson Road, Milton DE 19968. Respondent is licensed (License No. 761) by the Delaware Department of Agriculture (“the Department”). David A. Sposato is the Manager of Respondent and is certified by the Department as a commercial pesticide applicator (Cert. # 95-157), in Category 7.3, Ornamental and Turf Pest Control (03).
2. Respondent employs Qwantay Taylor as a member of a mowing crew. Mr. Taylor is not a registered service employee for Respondent. Mr. Taylor has been employed with Respondent for more than 45 days.
3. The Pesticide Section of the Department (“Complainant”) is bringing this enforcement action against the Respondent. Dustin Borntreger, (“Borntreger”), is employed as an Environmental Scientist II with the Department.
4. On June 26th 2018, Borntreger conducted a routine use observation with Respondent’s employee Qwantay Taylor in the Village of Westdover in Dover DE 19901. Borntreger initiated the inspection based on a roadway observation of possible deficient personal protection equipment. Upon arrival Borntreger presented his credentials and issued a notice of inspection to Taylor.
5. Borntreger asked Taylor what pesticide product he was applying to the flower beds. Mr. Taylor responded with “Roundup.” Borntreger then asked Mr. Taylor if he was certified or if he had his registered service employee card on him. Mr. Taylor responded that he did not have a card and had never been issued a card. Borntreger asked Mr. Taylor if he had been working for the company more than 45 days. Mr. Taylor response was “yes”.

6. Borntreger then proceeded to take pictures of the service vehicle. Once he arrived at the service vehicle he noticed a container of Kleenup Pro (EPA Reg. No. 34704-890) in the bed of the truck. The Kleenup Pro label was affixed to the bottle, Borntreger also documented that the container had a service tag with the EPA number 100-1091 on it. This EPA Registration number is linked to the product Reward.
7. During the June 26th 2018 inspection Mr. Taylor had on a short sleeved shirt and no gloves. Mr. Taylor stated that he was not given chemical resistant gloves for the application.
8. The records which were received from Respondent on June 29th 2018 recorded that two products Reward (EPA Reg. No. 100-1091) and Prosecutor Pro Max (EPA Reg. No. 100-1169) were applied at the Village of Westdover location on June 25th 2018. Three crew members are listed on the record. None of the employees are designated as the applicator. All three employees are also not registered service employees.
9. Reward Herbicide, EPA Reg. No. 100-1091 is a registered pesticide in the State of Delaware. The Reward label state in part: "Mixers, Loaders, Applicators and other handlers must wear: Coveralls over short-sleeved shirt and short pants or coveralls over long-sleeved shirt and long pants, chemical-resistant gloves, chemical resistant footwear plus socks, protective eyewear, chemical-resistant headgear for overhead exposure, chemical-resistant apron when cleaning equipment, mixing, or loading, face shield when mixing or loading."
10. Prosecutor Professional Max Herbicide, EPA Reg. No. 100-1169 is a registered pesticide in the State of Delaware. The Prosecutor label state in part: "Applicators and other handlers must wear: Long sleeved shirt and long pants, chemical-resistant gloves made of any waterproof material such as polyethylene or polyvinyl chloride, socks and shoes.
11. In the past 5 years, Respondent has one violation involving **3 DEL.C.**, Chapter 12, and/or the Delaware Pesticide Rules and Regulations: 3 Del. C. §1224(b)(1) and 3 Del. C. §1224(c)(2